

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH

THOMPSON *AT*

CHILCOTT *af*

DRISCOLL *LD*

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Carlotta Grandstaff,
Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner Greg
Chilcott and Commissioner Kathleen Driscoll

Date.....March 17, 2008

Minutes: Beth Perkins

► The Board met for a discussion of funding possibilities for a Capital Improvement Plan (CIP). Commissioner Driscoll stated she has reviewed the Capital Improvement Plan for Flathead County which cost \$50,000 to implement. She noted their plan is a 20-year plan. Commissioner Driscoll stated it is important to discuss funding a plan for Ravalli County. Commissioner Rokosch concurred noting they need to make sure it is within Senate Bill 185.

Commissioner Driscoll stated Missoula County utilizes levies in order to finance their plan; however she does not feel Ravalli County should utilize levies. She stated the plan can be used as a tool in order to give them direction for the county's needs.

Commissioner Chilcott expressed his concern for long range planning and the need for space. Commissioner Rokosch stated space needs require review by each department and the example of that is Public Health and WIC being located in the Justice Center.

Commissioner Rokosch discussed this year's budget and the possibility of splitting the funding of the plan between two fiscal years. Commissioner Grandstaff stated there is an upcoming meeting with Internal Auditor Klarryse Murphy and that would be the proper time to discuss the Board's options. Commissioner Rokosch stated there are also revenue shortfalls that need to be addressed prior to searching for any additional funding. He felt the main focus right now needs to be planning, which will help in making long range plans, particularly in light of impacts. He stated if they are talking about trying to

increase the level of service, why should existing taxpayers be subsidized for growth? He felt it is important to have growth competently assessed.

Commissioner Chilcott stated this issue is not a new conversation, and having a Capital Improvement Plan is always discussed during budget times. However they end up choosing between funding one thing or another. He agreed the County does need a CIP and it is a priority. Commissioner Driscoll suggested they contact the various departments, instilling the idea that CIP's are a priority. She felt it is a matter of prioritization with the expenditures.

Commissioner Rokosch discussed the domino effect of moving the 9-1-1 Center and how it can affect other departments. Six other departments will be affected by that move. Commissioner Grandstaff stated it will continue to be that way until they invest in long range planning.

Commissioner Thompson stated the County never had a formal CIP. Several years ago the Commissioners implemented an investment plan by advising the individual departments to utilize their left over revenue at the end of the year for capital improvements, rather than spending all their revenue at the end of the budget year. He used the IT Department as an example of long range projects and planning because they look ahead to the computer needs. He felt this type of a plan could be structured better, and noted they have departments already thinking about capital improvements and implementing it. Commissioner Rokosch stated he agrees with Commissioner Thompson and added that space needs are important and an example of that are the Justice of the Peace offices. Commissioner Rokosch stated he did speak to Internal Auditor Klarryse Murphy regarding having departments come up with monies towards a CIP.

Commissioner Thompson stated the Treasurer came up with CIP money for a new copier/printer last year, and as he noted before, the Commissioners gave individual departments the right to roll end of year money into CIP funds such as Road Department, Treasurer, and Clerk & Recorder.

Commissioner Chilcott stated that is more like a capital reserve for each department and what they are talking about is capital needs and reserve. Personally, he would rather have an officer on the streets closing down meth labs than having to pay for a remodel. He stated it comes down to that fundamental decision every budget year.

Commissioner Driscoll suggested they start with a basic need CIP. Commissioner Chilcott agreed this could be the year to do that. Commissioner Grandstaff stated it is always going to be the way it has been, which is planning for the current year. She stated that is not necessarily the best way to plan. Commissioner Chilcott stated their usual priority during budget deliberation is justification of needs.

Commissioner Grandstaff asked about levies and any justification they could utilize to the general public by seeking them. Commissioner Chilcott stated it is important to look at the fund and the need, which has to be supported to the public. He stated justifying

anything new for the Justice Department might be a hard sell or justification to the public. Commissioner Grandstaff asked about a levy for the roads. Commissioner Chilcott replied it is hard to support since the public will not see a personal benefit from it.

Commissioner Driscoll also addressed impact fee implementation. Commissioner Rokosch stated the County needs a CIP before they can implement impact fees. Commissioner Chilcott stated they have started to collect more contributions from subdivisions for mitigation purposes and those contributions should be looked at as well.

Commissioner Driscoll stated they should have a baseline of where they are and where they are going to. Commissioner Rokosch stated based on the needs analysis, they need to look further out and forecast these future needs with a price increase. There is an advantage with impact fees being an additional revenue stream. Commissioner Chilcott discussed pro rata being the one thing currently utilized. Discussion included Eight Mile Road and how the pro rata share does not go specifically to that road, but into a pool of roads in that district. There is a huge disparity of what is collected and what is needed to complete any projects.

Commissioner Driscoll stated the issue is creating a creditability problem with the public. Commissioner Rokosch stated it is different with capital and growth. There is potential to do projects what will allow for combined efficiency. Commissioner Driscoll stated there is a tipping point with new growth and not being able to project the actual increase. People buy land and pay taxes, and the Commissioners have to be aware of how they think. Commissioner Grandstaff stated everyone was in the same economic boat and with growth, there are higher expectations.

Commissioner Grandstaff requested recommendations. Commissioner Chilcott stated it will come down to the budget. He suggested doing an RFP or RFQ for services so the Board would have a number for budget deliberations. He stated impact fees should also be included. Commissioner Rokosch suggested including it on the agenda with the Department Heads for discussion and where they are at with funds. It would be under the Commissioner's Budget eventually. He does not see why it can't be spread over a two year budget. Commissioner Chilcott suggested deciding which departments to include. Commissioner Rokosch suggested including every department and then consider the impact fees. It should be a 15 to 20 year plan. Commissioner Grandstaff stated some departments will not state their needs but with a 15 to 20 year projection, their needs may be shown.

Commissioner Grandstaff suggested including this discussion with the March 25th meeting with the Internal Auditor for further options.

► Commissioner Chilcott participated in a MACo teleconference call.

► Minutes: Glenda Wiles

► The Board met for the following administrative matters:

► **Commissioner Thompson made a motion to enter into hangar lease #375 with Joe Rimensberger for a period of 10-years. Commissioner Rokosch seconded the motion and all voted “aye”.** Commissioner Chilcott and Commissioner Driscoll were not present for this vote.

► The Board reviewed a request by BREDD for a letter of support, contribution of funds and staff resources to BREDD for a grant submittal. It was agreed that Glenda will contact someone from BREDD to visit with the Commissioners. Commissioner Chilcott was not present for this vote.

► **Commissioner Rokosch made a motion to approve the December 2007 minutes as corrected. Commissioner Driscoll seconded the motion and all voted “aye”.** Commissioner Chilcott was not present for this vote.

► The Board reviewed a letter of support for the Comprehensive Planning Enhancement Project. **Commissioner Rokosch made a motion to sign this letter of support. Commissioner Driscoll seconded the motion and all voted “aye”.**

► Bill LaCroix met with the Board to discuss public meetings and public participation. Bill presented a letter to the Editor with the ‘Bitterroot Human Rights Alliance’ letterhead (as attached) to the Commissioners. Numerous citizens were in the audience. Bill stated they called this meeting to express their concern over threatening behaviors to public officials. Bill stated there have been some recent threats to public officials; one of which is an email to the planning office. While most feel these threats are not serious, there were some serious threats and actions taken in the 1990’s. Some of the planning staff members are shocked by the behavior that is occurring at some of the meetings. Interruption, rude comments and shouting should not be tolerated. He felt the time to address this is now, as it should not be allowed in this planning process. Bill stated some citizens do not want to go to the meetings because of this behavior, so the Commissioners are not getting everyone’s opinion. One comment is that “they (the Commissioners and county staff) should all be hung”. He asked if this was documented, and who said it as there are policies in place not to allow these kinds of statements. Other comments are ‘there will be blood’ etc. He stated if an environmentalist said these kinds of statements, people would be paying attention.

He stated people should wear name tags in the public meetings and there should be a sign in sheet so people know who is talking. The planning staff is young and they do not have a handle on these types of situations. He stated the public process is not served when people are allowed to have a free for all on the public officials. Not everyone is an extremist. For himself, he is not looking for a formal or legal solution; the bulk of the rude behavior happens in the community and not always in meetings. There seems to be a bias about things and people should keep an open mind about these issues.

Other citizen comment was now solicited.

Tom Roback stated he lives outside of Darby. He stated he called Bill and told him he had written an article about 'skin heads'. He relayed that people in Darby are trying to do some good things with the community such as the bio-mass and bio-fuels but Bill did not participate in those issues. Tom stated there are two environmental fronts; one wants no growth and one wants some zoning. When the Friends of Bitterroot (FOB) (which Bill belongs to) hollered about logging, it closed many jobs down. A lot of animosity has happened over the logging shut down. Tom stated the FOB is doing the 1 for 2 zoning and stream side setbacks. He suggested the Commissioners or the professional planners present the density in the area, then allow those people to vote on whether they want that or not. The community voted for the Board and they feel like this zoning is going to be shoved down their throats.

Stewart Brandborg spoke representing the Bitterrooters for Planning which has over 350 members. They have devoted a great deal of time to encourage planning. He stated many people see this valley losing what we value the most; beautiful streams, agriculture land etc. This Commission has implemented a program to bring people together to decide what they want now and in the future (referencing the CPC – community by community). He stated they are now seeing an effort to polarize these efforts. He felt they need some strong leadership and efforts, particularly in Darby to keep this on track. Stewart stated he understands it is a challenge, but it is important to do. He has seen the loss of the quality of life; their homes are being destroyed and devalued with a lack of planning. It is important to have good development to keep what is good. In regard to what will happen with the forest lands, there is an effort by some to polarize the issues. He agrees many people live off of the extractions, plus the forest provides recreation. But to refuse to talk about these issues is dysfunctional. The CPC process allows dialog and democracy in each community. Intimidation and fear deny citizens' rights. He encouraged the Commissioners to stand by their convictions and see this process through. There are a lot of good people wanting to participate in this process and it is important to get along and plan for what we love in this valley.

Coby Smith stated he has lived here since 1962. He has seen the deterioration of the valley. When he moved to Darby there were four mills, now there are none. When the Commissioners came to the Darby meeting, they said if Darby does not want zoning they do not have to have zoning. Coby stated the upper end of the valley may want and need zoning, but Darby does not. His family moved to Darby to make a living which includes agricultural. They also want to leave a place for their children to live. He encouraged the Commissioners to allow Darby not to have any zoning. In regard to the voting on the '1 for 2'; Colby stated the voters did not even know what they were voting for.

Commissioner Grandstaff reminded the audience to keep their comments civil at these public meetings.

Gayl Knox of Corvallis has lived here for 6 years but has been coming to the valley for last 20 years. She bought farmland that is now surrounded by subdivisions. She stated they need to get a handle on development and streamside set backs.

Bill Grasser has lived here since 1967. He is a member of CPC in Darby and been involved in this issue for the past six months. He stated has yet to see Stewart Brandborg at any of the previous meetings in Darby, yet Stewart is always talking about public participation. He drives at least 30 miles to these meetings. He has heard from numerous Darby residents and they do not want zoning. If Stewart wants a democratic process he needs to be at the meetings. Bill stated they need a consensus or need to know where everyone is standing. He stated he has been involved in the forest issues for many years and Stewart was not present for any of those forest issues but he wants to dictate what needs to be done in the County.

Stewart began to talk about forest issues but did not finish his sentence.

Randy Brown stated he was born and raised in the Bitterroot. He stated the Commissioners want everyone to have civil discourse yet Stuart just interrupted. Randy stated Stewart does that all the time. Stewart does not come and talk to people, he and his group just file law suits. They hide behind FOB. He stated the only way to fight this is to have civil disobedience. Stewart and his group always want their way. They do not speak for the majority. Randy believes the vote should be by the majority of the voters. Stewart can come to the County Government Officials everyday, yet he and most residents of Darby have to leave work to come here.

Lyle Pilon of Hamilton attended the Darby meeting last Thursday. He wanted to see if these things were really happening. He felt the tone was inadequate for the nature of the meeting. In November of 2007, the people voted to move forward on studying zoning. He stated he wants to be educated on this issue and the process and nature of the study is to learn. He stated a person can't learn with this disruption. He stated he understands private property rights, but the process is to see if the residents want the zoning. Our constitution allows free speech, but we need an environment that allows for us to learn what we need in order to make an informed decision. Thomas Jefferson believed in the right to be well informed so a good decision can be made. The true democratic process allows us to decide and if we don't like something, we vote it out. He would like to see all sides of information discussed. Lyle felt the Commissioners need to defend their oath to allow and encourage free speech. While he might not agree with many other people's points of view, he will listen to their point and not over talk them. He would like that courtesy extended back to him. He stated it is out of respect for one another to move forward and find out what is adequate for each community. He stated he does not want to see a Deputy at the meetings, rather he wants dialogue and it is important to take the high road.

Commissioner Grandstaff thanked people for their support and comments.

► In other business, Darby CPC Member Chris Taggart met with the Commissioners to discuss the possibility of Darby pulling out of the zoning process. She stated based on the consensus of last Thursday's CPC meeting in Darby, the CPC would like the Darby School District removed from the zoning process. They would like this issue to go to vote on May 6th during the Darby School District election.

Commissioner Grandstaff asked if they wanted a poll vote and if they wanted to continue with the meetings until the May 6th vote. Darby CPC Member Carl Fox stated they want to be treated separate from the rest of the county. He stated the CPC Members can not get anything done at a zoning meeting because everyone seems to be against zoning. He stated it is important to know what the Darby residents want by their vote. If they want zoning, then they can go to work on zoning; if not they need not to waste their time. Carl stated he has never once had anyone threaten him or say anything derogatory. He stated it has been made clear by him by the County Staff that if they people don't want the zoning, then that is the way it should be. He suggested Darby be separate from the other parts of the county and not tagged on to anyone else. He stated the Commissioners would be smart to remove Darby right now. He does not feel there will be any efforts to zone right now, but give the Darby residents another three years and they might find there is a need for zoning. He asked what the hurry was.

Commissioner Grandstaff asked what they want to do between now and May 6th. Chris stated the CPC will stay involved with an outreach program for the upcoming vote on May 6th.

Grace Ward asked if this would be a ballot vote – for or against zoning in Darby. Chris stated the wording will be clear. Commissioner Grandstaff asked if the Darby CPC would develop with the ballot wording.

Commissioner Driscoll relayed in the '1 for 2' zoning vote; 826 people in the Darby School District were for the interim zoning and 843 were against it. That is only a 17 vote difference. She stated it is important to take in everyone's opinion here, not just the vocal people who show up to a CPC meeting. She stated Jan Wyszynski was concerned about mailing out information on the county votes. She asked how the Commissioners were going to be able to fund the mail out information, and if no mailing were to occur, how they would be made aware of the information. She also relayed that at the CPC meeting last Thursday night, there was disconnected information about planning and zoning. She stated if Darby withdraws from the process, they won't have some of the necessary and needed information in order to make an informed decision. She stated some people have information that is incorrect.

Commissioner Thompson stated it was his opinion from the beginning that each school district and community will decide what they want. If Darby wants gravel pits, adult entertainment, one acre parcels, motocross tracks etc., they can have it. He feels they should continue with the CPC meetings, but if the May 6th vote says they don't want anything to do with zoning he will understand. He stated the Highway and Bitterroot River will have setback and regulations that will be separate from the zoning.

Commissioner Chilcott stated each community can decide if they do or do not want zoning, and there will be differences in each community zoning. He stated that is part of the public process. He agreed people need to know what they are voting on, as good government and citizenship should allow everyone to know what they are voting on.

Civil Counsel Alex Beal was now present. Commissioner Chilcott asked Alex if the Town of Darby would be excluded from this vote, and do registered voters and land owners have the same vote or rights to sign a petition.

Alex reviewed MCA Chapter 76 noting the Town residents will not have a vote on this county issue. He also reviewed the land ownership by school districts and the process for the Resolution of Intent for a zoning District that will have a 30 day protest period. He stated land owners can protest; not registered voters. The statute requires at least 40% of the land mass must protest. If 50% of agricultural and timber land mass (as defined by DOR) protest, then it cannot be zoned for 2-years. Alex also addressed a separate method from Title 7 which states if 15% of the registered voters (either by district or county) sign a petition, then it will go on the ballot. In terms of the May 6th election, there is a cap or timing issue of when things have to be done in order to be placed on the ballot. He stated he believes they have a 75 day time period, which right now they might not be able to meet. A citizen stated March 27th is the deadline.

Commissioner Rokosch stated they want people to know the Commissioners are listening to them. The question is are they able to listen to everyone, are they coming forth and speaking as the prior agenda item indicated some might be intimidated. He stated he has had some calls from people who are reluctant to participate because of the issue and energy levels that are high. He noted there has been a vocal and emotional expression against zoning, and that is the whole point of the process. Commissioner Rokosch state the Commissioners want citizens to articulate the picture of zoning they see as well as their fears. He stated they need to cut through the emotions and get to the substance and practical matters of zoning. He stated there are viable questions such as how can zoning protect your property rights and add value or de-value your property? He stated the Commissioners need substantive concerns and it is important for the citizens to get to the 'nitty-gritty' leaving to hear emotions out of the conversation.

Chris asked when the county was going to send out mass mailings. Commissioner Driscoll stated they have a list of 2-county wide mailing lists. John stated the first mailing was to go out with the first regulations, but he does not know the dates. Commissioner Rokosch stated the target is the end of the month but they need to confirm this with the consultants.

Jan Wiseneski of the Darby CPC suggested they save county money for now. He and others have received calls from anonymous people who say they are in favor of the process. He stated if they can not leave their names they are just ghosts in the process. Commissioner Driscoll stated she knows the names but they feel intimidated so they do not want to leave their names. Jan stated in Darby there is no violence, no threats, no

rapes etc., so why are people afraid. He stated they do not want zoning in Darby. So, the Commissioners should allow a vote and let Darby out. Jan stated it is just like asking a woman if she wants to be raped, she does not want to explain why she doesn't want to be raped so why should Darby explain their reasons? Commissioner Grandstaff advised Jan to use his words carefully.

Commissioner Driscoll stated the constitution allows everyone the right to speak and it is important the Commissioners take in all of the voters' input.

Jan stated the Commissioners are not representing those who show up.

Roger Ward has received calls from people who want more information on zoning. He felt having a vote on May 6th is an economical way to see what people in Darby want. He stated the Commissioners need to give them some money to get this information out to the Darby voters.

Commissioner Grandstaff stated in order to reach 4,000 people in the Darby School District will take some effort. Roger stated only 200 or so come to the CPC meetings, so that means they need to hear the other 3,800.

Brady Smith of Darby is a CPC Member and a resident of Conner. Brady stated Darby is an independent and no B.S. community. They hear concerns about the loss of private property rights; but no studies have been done on the potential loss of economics due to zoning. He stated Darby does not like governmental control as most want to be left alone. He felt those attitudes need to be taken into consideration.

Randy Brown asked the Commissioners to address the difference between zoning and building codes. He asked if the septic permits address the water issue, why they need zoning. He stated since the Friends of the Bitterroot (FOB) took over the forest, now the forests are bug killed, burned and ruined. He stated the zoning process will be taken over by the FOB and if they have a wrecked car or an old trailer in their yard, they will make us move them from our property. Randy stated they already have numerous regulations, such as flood plains etc. Elk will cross where they want; some of this is a waste of tax payers' money.

Commissioner Thompson stated there is a difference between regulations and zoning. When some people wanted a motorcycle race track at the fairgrounds, all the neighbors said no. So the motorcycle group looked to a location at N. Kootenai on the Ed Cummings property. The residents in that area said no, so they moved to Honey House and those people did not want it here either. Commissioner Thompson stated zoning will address specific things, such as where motocross, sexually oriented business, gravel pits etc., can and can not go. He stated it is important for each district to decide these things. He stated the idea should be based zoning, and that type of zoning has nothing to do with access to the highways, or septic systems as those are different regulations.

John Schneeberger of Hamilton stated a straw poll is a bad idea as described. If the CPC words the ballots, it could be too much of a loaded question. He felt the ballot question should be drafted by an impartial group and it should be a specific proposal for or against zoning with full participation. If not, it is an opportunity for decision making without information.

Kerry Lisch of Darby stated the information about the '1 for 2' was incorrect, so Commissioner Driscoll's information was incorrect. If the people in Darby had known the '1 for 2' was going to be zoning they would not have voted for it. Commissioner Driscoll stated she simply wants informed voters.

Kerry also stated once zoning is in place, the Commissioners can do what ever they want within the zoning. Commissioner Thompson stated zoning can be changed and there is a process for any changes. Kerry stated his point is it can be changed. Commissioner Chilcott stated any changes must go through the public process, which include the protest period. Montana law allows a protest by affirmative action (for zoning) and it is restrictive to land owners.

Kerry stated mobile homes should be left alone and he read in the draft that requires class a mobile home to go away in 10 years. Commissioner Driscoll stated everything that is on the ground now stays. Kerry stated by limiting certain things such as types of trailers, the zoning would limit what people can afford. For people who only earn \$7-8.00 per hour, they will not have a place to live if trailers are not allowed. Commissioner Driscoll stated the community of Darby can decide what they want in their area.

Dwayne Rennaker stated he was born here in 1937. He is against zoning. He asked how many counties are zoned; one or two of them. He asked what good will zoning do him. Commissioner Driscoll relayed the State of Montana allows zoning because when people want certain things around a town, you don't have as many regulations to go through with zoning in place. She further stated zoning will actually help by not requiring as many regulations. He stated he can not subdivide because he does not have a certain type of road. Commissioner Driscoll stated zoning is separate from the regulation layers that are required through subdivision.

Dwayne stated he did not vote for any of the new Commissioners. He felt Howard Lyons really 'got took' in this regard. He stated it might be easier to recall a Commissioner than to get rid of zoning. He stated he has worked this ground all of his life and now he is not sure he even owns his own land or water. He does not want someone else telling him what to do on his property.

Bob Scott of Hamilton has watched the population quadruple since he lived here. He appreciates what the Commissioners have done. He feels this has been a methodical process and has taken many months, from the interim zoning to the development of the CPC Groups. This will allow the people to decide what they want in their own communities. He finds it odd that people want to depart from this process. People need

to be respectful of the process; noting some are scared of the process. He encouraged everyone to stick to the process and not pull out.

Ronald Porter appreciates Commissioner Chilcott and Commissioner Thompson in that they represent many land owners view. He appreciates what the other three Commissioners are attempting to do, but asked where they were when there were only 10-15 people present at the earlier CPC meetings. Now they express concern? Commissioner Driscoll stated the County has a time frame in regard to the interim zoning. Ronald stated at this point, the community of Darby has a time frame and they are letting the Commissioners know how they feel about that.

Attorney Curtis Cook stated he was born here in 1916. He feels the zoning process is very important to this valley, and the process is spelled out in the state law. He stated there is no way part of a zoning district can be removed prior to an establishment of a resolution. So any attempt to remove Darby now is not allowed by law. The Commissioners have a right to zone all or part of the County. The provision of 40 and 50% protest/rejection must come after the resolution is passed. Any vote that is taken ahead of this is simply a straw vote and it does not count for anything. The interim zoning requires this to be put before the people; then the Commissioners make the final decision.

Alex stated this is correct, but to clarify the '1 for 2'; it obligated the consideration of zoning but did not obligate the Commissioners to actually do the zoning. The Commissioners can exclude certain land masses based on topography, or from public input if they so chose.

Curtis stated it would be a good idea for Darby to stay in the process.

Quinty Smith was born in this former hospital, now the County Administrative Building and lives on the river. If zoning is not in place, the builders have a tough time with their subdivisions through the arduous review process by the County.

Tom Robak stated the experts should zone the area then the people could vote on that. This process allows everyone to decide what they want in their area. If Darby does not want zoning, then Darby should continue to work with their CPC and obtain the most liberal use of land. He also asked if there is a fair and balanced representative to say what they want. He has attended the streamside set back meetings from the beginning. The three new Commissioners say if a house is burned down they cannot re-build. And they keep saying we are going to be grandfathered in, but we are really not. We want this to be fair for everyone.

Gene Williams stated in regard to the intimidation issue; Bill LaCroix had made comment about an email. He was there at Thursday's Darby CPC meeting and he witnessed Lyle Pilon standing on a table making comments. He stated what Lyle said that night was not what Lyle said today.

Commissioner Grandstaff stated the email everyone is referring to was from Planning Director Karen Hughes. It addressed the hostile comments towards her staff. Gene stated threats against other people fall under law enforcement responsibilities; the Officers can investigate the crime and lock people up etc. He agreed sometimes people with agendas use tactics for the express reason of advancing their own personal agenda. He stated he did not see anyone Thursday night threaten anyone.

Commissioner Grandstaff indicated Darby CPC should and will continue to meet until May 6th then there will be a straw vote. Commissioner Chilcott noted the Commissioners hear Darby CPC loud and clear. And the next level is to confirm whether Darby wants in or out of the zoning process.

Commissioner Chilcott made a motion stating if Darby wants in or out of the zoning process, by their vote, the Commissioners will respect that recommendation. Commissioner Grandstaff seconded the motion. Discussion of the motion took place. Commissioner Chilcott stated the Commissioners are obligated to the process and they are currently seeing good engagement with the public. The Commissioners also indicated they will respect each community's desires. So, if the ballot box shows the community of Darby does not want any zoning, they will respect that or vice versa.

Commissioner Driscoll stated it is important for the voters to feel they have been informed, so when the vote is done, they know both sides of the issue. She also asked if the County should only send one notice out to the public in regard to the zoning. Commissioner Rokosch stated it is important to honor the majority and minority input. He has some reservations about not honoring all the input; and not considering the minority input from what ever source or interest group. He stated if the Commissioners change horses in mid stream, we might not recognize everyone's input. The County is still collecting input from the north to the south end of the valley. Commissioner Rokosch noted the CPC's have done various efforts, such as open house, written and public comment. He stated while a straw vote can be input, but to say that is the ultimate decision is not a good turn to take in this process.

Commissioner Driscoll asked about the straw poll. Alex stated a straw poll has no legal precedent and is not binding. The Commissioners can say that is the final decision, but since the Commissioners have control, they need to keep control as to what is practical. If this issue goes on the ballot, it needs to be a result of the Commissioner's actions and they should write the language for the ballot.

Commissioner Rokosch stated the Commissioners have set this process up in order to see the majority opinion and to recognize the minority opinion. The CPC will give the Commissioners a final draft of regulations and maps; therefore it is not a question of 'zoning - yes or zoning - no'. He stated he sees no substance for a straw poll, because it does not allow the people to address any basic or bare bones zoning.

Commissioner Chilcott stated part of this is conceptual with seven districts of local flavor on the maps. He stated each district is defining their own, and it is the right thing to do.

The ballot response should be to confirm or reject, as the interim zoning stated the Commissioners shall consider zoning. Commissioner Chilcott felt this ballot language should ask if the voters if they want to consider zoning in the Darby School District or not.

Commissioner Rokosch stated this vote would not be consistent with the time line or the process we put into effect. This motion would bind us to the straw poll vote and it is a major shift.

Commissioner Grandstaff felt it is a reasonable solution; and to allow the Darby CPC to get the word out between now and May 6th so people will vote. Commissioner Driscoll stated the Commissioners need to word the ballot language, making sure they oversee the right language for the people. Commissioner Chilcott agrees the Commissioners can come up with the ballot language. **Commissioner Rokosch made a motion to table this motion as it is problematic and is setting a precedent. No second to this motion was made.** Commissioner Rokosch stated allowing this vote is not a wise way to move forward. Commissioner Grandstaff stated the Commissioners will have another separate meeting to decide the ballot language. **Commissioner Grandstaff, Commissioner Driscoll, Commissioner Thompson and Commissioner Chilcott voted “aye”. Commissioner Rokosch voted “nay”. Motion carried.**

► Minutes: Beth Perkins

► The Board met with Road & Bridge Supervisor David Ohnstad for an update.

David discussed a parcel of land, 10 ¼ acres landlocked by the CB Ranch. He stated it was intended to be traded for frontage on Rye Creek Road but the Commissioners have since decided not to pursue this trade. David requested Board advisement on how to proceed. He stated there is a legal way into the property.

David discussed the last appropriations bill, noting it takes away money for merit based projects. He presented the Board with the Transportation Program for their review.

David presented the Board with ‘Schedule C which is the list that identifies major and minor collector roads with major and minor access. These roads function as roadways for subdivisions. David suggested looking at the development of an urban growth barrier between city and county with some reasonable understanding of where growth occurs. It can be ‘a significant give and take’ that would be appropriate. It is his opinion that when looking at annexation of jurisdictional road ways, they look at functional annexation. He presented the Board with a list of roads without value to the county infrastructure as a whole. These are county roads that are there for the sake of county roads. These county roads identified should be under the jurisdiction of the city/town. David stated with urban growth, these roads should be discussed with the city for annexation. He discussed Fairgrounds Road being city jurisdiction up to Kurtz Lane, then from Kurtz Lane to Eastside Highway being county. David suggested possibly trading road jurisdiction for all of Fairgrounds Road.

David discussed the Dust Abatement Program. He stated the bid for magnesium chloride will be closing soon – March 25th. He stated there was a survey done in 2006 of people who would like to participate in the program. They were discouraged for people on anything other than county highways, and then the opinion changed to include people who had a privately owned road within a public easement. Commissioner Chilcott stated DEQ cited Flathead County when they could not do all they could for dust abatement. In not doing everything available to Ravalli County, it leaves the county open for citation. David discussed the participation in a federal highway program allowing funds for road equipment. He stated he would like to see about getting on their schedule in the next few months. He discussed public notification of dust abatement and some of the challenges they face. Commissioner Rokosch questioned possible turnout of the bids. David replied a lot of it would depend on the cost of transportation (gas & oil). Commissioner Rokosch questioned the storage capability. David replied they would use railcars for storage. They will probably see a mix of proposals because with the rising cost of diesel fuel, it is hard to predict. Commissioner Rokosch asked about marketing. David replied last year they met with the Board of Health to determine the number of people living on dusty roads, getting notification out to them. **It was the Board's consensus to include privately owned roads in the Dust Abatement Program.**

David stated at the end of January, he issued a letter to a property owner about an encroachment violation. He did hear back from the individual about the need for a culvert. He is recommending proceeding with removal. David stated he had met with this individual and the individual was in complete compliance with what David has proposed to do. Within a day, the individual contacted the Road Department and changed his mind. David presented the Board with pictures of the 30 foot offsets. He pointed out a photograph of the ditch on the west side that was mowed. All of the remaining pictures shown different angles from the front of the individual's home showing the alignment of the fencing and how it coincides with the fencing. He stated the fence lines are almost 60 feet apart from the north of Blair Lane. David stated State definition of the road is 60 feet width total not sizing specific to the driving lane of the road. He presented other photos showing how the fence line runs along the easement of the road. David then presented the Board with a photo of the individual's son's property showing a ditch that was filled in and where the fence line exists. He stated the fencing will not have to be removed. David stated it is a county road with a public easement and at some point in time it gets back to the issue of a court action. It is 60 feet wide. There needs to be clarification of exactly what is necessary to create a county road. It is the interpretation of the statute which is the telling factor. In this particular case, they need to get some concurrence of this being a prescriptive easement. He suggested having County Attorney George Corn visit the property. Further discussion followed regarding past legal opinions on what construes a county road. Commissioner Chilcott suggested contacting County Attorney George Corn. It was the Board's consensus to contact County Attorney George Corn to validate Meridian Road being a county road.

David discussed the cost estimate from last summer to build the planned facility in Stevensville. He discussed the difference between the estimate for this facility compared

to the proposed facility in Victor. He stated the garage in Victor is of value. The property asked to be donated is in the value of \$250,000. David presented a letter from Environmental Health with a report from an Environmental consulting agency for the onsite wetland area and the fencing. He recommended they not utilize the Victor property as a donation to the fire hall and not to utilize the property on Sweathouse Creek. He suggested working with the Fire District to allow them to make plans to acquire the property with fair market value; then use the money to construct the facility in Stevensville next to the gravel mine. Then they would move the motor grader. They estimate a rough figure of a million and half yards left to mine. The property would be adjacent to Eastside Highway.

Commissioner Chilcott stated the question was if the property has been donated or acquired for the fire department. They could not prove it. David suggested selling it at market value in order to finance the Stevensville facility. Commissioner Chilcott stated he would like to contact Victor to inform them of the county's intentions.

David discussed the four culverts for Sweathouse Creek. He presented the Board with photos of Pleasant View Drive and the sediments settling in. The bottom of the old culverts have failed and are on the brink of caving in. David stated there was a 17 foot wide wooden structure that was damaged during the high water events of 1975. This does qualify for replacement under the Treasure State Endowment Bridge Replacement project. There are 147 bridges within the county. He requested the Board adopt a resolution to apply for funds from Treasure State Endowment Program.

Commissioner Chilcott made a motion to adopt Resolution No. 2265 to apply for grant funding for financial assistance from the Treasure State Endowment Program. Commissioner Driscoll seconded the motion. All voted 'aye'.

David discussed the invoice for services rendered for the Hamilton Airport Roadway construction. Commissioner Rokosch asked if this folded into the MOU recently developed. David replied it is what the Board agreed to pay (\$25,908.20). Commissioner Rokosch replied it was agreed to pull it out of capital reserve. It was the Board's consensus to contact Klarryse Murphy for payment.

David discussed the Florence Highway Garage disposition. He presented the Board with correspondence from Florence Rural Fire District. David stated it is not worth it to dismantle the garage in order to reuse it in another place. He suggested advertising it for sale and removal for some cost recovery. Commissioner Thompson stated the overall positives of advertising for sale would not be worth it. He suggested giving the garage to the Florence Rural Fire District. David recommended abandoning the property to the Fire District. Commissioner Rokosch requested emptying the building by the end of the month. He suggested making sure the letter is requesting the removal of the building.

David discussed the proposal and decision of the 2008 Roadway Improvement Schedule. He stated he does need to update some prices. What he did in the past, was to build up the capital reserves. He stated they are accomplishing the things they had set out to do even with the postponement of some projects due to lack of funding. He requested the Board

accompany him on a site visit for various county roads. The Board concurred, scheduling an all day outing with David on April 7th.